



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David S. Wardrop et al.
Application No. : 10/017,483
Filed : December 14, 2001
For : FUEL CELL SYSTEM SHUNT REGULATOR METHOD AND APPARATUS

Examiner : Raymond Alejandro
Art Unit : 1745
Docket No. : 130109.431
Date : August 2, 2006

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)

Commissioner for Patents:

Applicants hereby request reconsideration of the patent term noted in the above-identified patent application. A check including the amount of \$200 for this application is enclosed.

Statement of the Facts:

The Determination of Patent Term Adjustment, a copy of which is enclosed, indicates that the Patent Term Adjustment for this application is 667 days. Applicants submit that the correct Patent Term Adjustment for this application should be 710 days.

1. This application was filed on December 14, 2001.
2. The initial action by the USPTO was a Restriction Requirement mailed June 18, 2003. Pursuant to 37 CFR 1.702(a)(1), this initial action should have been issued by the USPTO within 14 months of the filing date of the application. As the application was filed on December 14, 2001, fourteen months would have been February 14, 2003. Therefore, pursuant to 37 CFR 1.703(a)(1), the initial action was 124 days late.

3. Subsequent deadlines were met by both sides until Applicants' Notice of Appeal, which should have been filed on February 24, 2004, was filed 86 days late on May 20, 2004.

4. The appeal process took 672 days, ending on March 23, 2006, which is the date of mailing of the Decision on Appeal. Subsequent deadlines have been met.

5. Applicants note that the Patent Term Adjustment History, a copy of which is enclosed, shows an Applicant delay of 44 days for the Supplemental Information Disclosure Statement filed on August 27, 2003. Because the Supplemental Information Disclosure Statement was filed with the appropriate statement under 37 CFR 1.704(d), Applicants submit that there was no delay, and respectfully request that the erroneously applied 44 days of Applicant delay be removed from the Patent Term Adjustment History. A copy of the Supplemental Information Disclosure Statement, with certification, is enclosed for your review.

In view of the foregoing, Applicants submit that the above identified patent application is entitled to a Patent Term Adjustment under 37 CFR 1.703(f) of 710 days, calculated as follows:

| | |
|--|-----------------|
| USPTO delay in mailing first action | 124 days |
| Applicant delay in filing Notice of Appeal | -86 days |
| USPTO delay in Appeal process | <u>672 days</u> |
| Total Patent Term Adjustment | 710 days |

Applicants respectfully request that a Patent Term Adjustment of 710 days be granted. Applicants note that this application is not subject to a terminal disclaimer.

The Director is authorized to charge any additional fees due by way of this Application, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

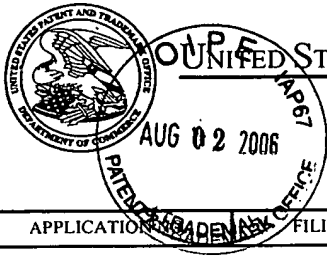


Frank Abramonte
Registration No. 38,066

Enclosures:

Copy of Determination of Patent Term Adjustment
Copy of Patent Term Adjustment History printout
Copy of Supplemental Information Disclosure Statement

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/017,483 | 12/14/2001 | David S. Wardrop | 130109.431 | 5180 |

00500 7590 07/28/2006

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701 FIFTH AVE
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SEATTLE, WA 98104-7092

EXAMINER

ALEJANDRO, RAYMOND

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 07/28/2006

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

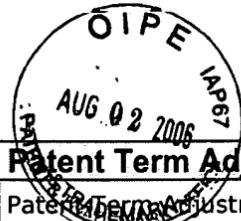
The Patent Term Adjustment to date is 667 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 667 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Express Mail No. EV529788340US


Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/017,483

| | | | |
|------------------------------|------------|--------------------------------------|-----|
| Filing or 371(c) Date: | 12-14-2001 | USPTO Delay (PTO) Delay (days): | 797 |
| Issue Date of Patent: | null | Three Years: | - |
| Pre-Issue Petitions (days): | +0 | Applicant Delay (APPL) Delay (days): | 130 |
| Post-Issue Petitions (days): | +0 | Total PTA (days): | 667 |
| USPTO Adjustment(days): | +0 | Explanation Of Calculations | |

Patent Term Adjustment History

| Date | Contents Description | PTO(Days) | APPL(Days) |
|------------|--|-----------|------------|
| 07-28-2006 | Mail Corrected Notice of Allowance (Response period NOT restarted) | | |
| 07-28-2006 | Mail Examiner's Amendment | | |
| 07-25-2006 | Corrected Notice of Allowance | | |
| 07-25-2006 | Examiner's Amendment Communication | | |
| 05-02-2006 | Mail Notice of Allowance | | |
| 04-17-2006 | Notice of Allowance Data Verification Completed | | |
| 04-17-2006 | Case Docketed to Examiner in GAU | | |
| 03-23-2006 | Mail BPAI Decision on Appeal - Reversed | 673 | |
| 03-23-2006 | BPAI Decision - Examiner Reversed | ↑ | |
| 12-23-2005 | Docketing Notice Mailed to Appellant | ↑ | |
| 12-23-2005 | Assignment of Appeal Number | ↑ | |
| 11-17-2005 | Appeal Awaiting BPAI Docketing | ↑ | |
| 10-20-2004 | Mail Examiner's Answer | ↑ | |
| 10-18-2004 | Examiner's Answer to Appeal Brief | ↑ | |
| 08-31-2004 | Date Forwarded to Examiner | ↑ | |
| 08-16-2004 | Appeal Brief Filed | ↑ | |
| 08-16-2004 | Request for Extension of Time - Granted | ↑ | |
| 05-20-2004 | Notice of Appeal Filed | | 86 |
| 05-20-2004 | Request for Extension of Time - Granted | | ↑ |
| 02-26-2004 | Miscellaneous Incoming Letter | | ↑ |
| 02-23-2004 | Mail Advisory Action (PTOL - 303) | | ↑ |
| 02-18-2004 | Advisory Action (PTOL-303) | | ↑ |
| 02-09-2004 | IFW Amended case processing Complete | | ↑ |
| 02-09-2004 | Date Forwarded to Examiner | | ↑ |
| 01-22-2004 | Amendment after Final Rejection | | ↑ |
| 01-26-2004 | Mail Examiner Interview Summary (PTOL - 413) | | ↑ |
| 01-20-2004 | Examiner Interview Summary Record (PTOL - 413) | | ↑ |
| 11-24-2003 | Mail Final Rejection (PTOL - 326) | | ↑ |
| 11-23-2003 | Final Rejection | | |
| 11-05-2003 | Date Forwarded to Examiner | | |
| 10-28-2003 | Response after Non-Final Action | | |
| 08-27-2003 | Information Disclosure Statement (IDS) Filed | | 44 |

| | | | |
|------------|--|-----|---|
| 09-10-2003 | Mail Non-Final Rejection | | ↑ |
| 09-05-2003 | Non-Final Rejection | | ↑ |
| 07-23-2003 | Date Forwarded to Examiner | | ↑ |
| 07-14-2003 | Response to Election / Restriction Filed | | ↑ |
| 06-18-2003 | Mail Restriction Requirement | 124 | |
| 06-16-2003 | Requirement for Restriction / Election | ↑ | |
| 04-30-2002 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 06-18-2002 | Case Docketed to Examiner in GAU | ↑ | |
| 06-06-2002 | Application Dispatched from OIPE | ↑ | |
| 06-03-2002 | Application Is Now Complete | ↑ | |
| 05-20-2002 | Payment of additional filing fee/Preexam | ↑ | |
| 05-20-2002 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | ↑ | |
| 03-22-2002 | Notice Mailed--Application Incomplete--Filing Date Assigned | ↑ | |
| 03-08-2002 | IFW Scan & PACR Auto Security Review | ↑ | |
| 12-21-2001 | IFW Scan & PACR Auto Security Review | ↑ | |
| 12-14-2001 | Initial Exam Team nn | ↑ | |

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